

AMENDED IN ASSEMBLY JUNE 25, 2009

SENATE BILL

No. 106

**Introduced by Committee on Local Government (Senators Wiggins
(Chair), Aanestad, Cox, Kehoe, and Wolk)
(Coauthor: Senator Florez)
(Coauthor: Assembly Member Huber)**

January 27, 2009

An act to amend Sections 53234 and 53235.1 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 106, as amended, Committee on Local Government. Local agencies: ethics training.

Existing law requires all local agency officials to receive training in ethics, at specified intervals, if the local agency provides any type of compensation, salary, or stipend to those officials. Existing law defines "local agency," for these purposes, to mean a city, *county*, city and county, charter city, charter county, charter city and county, or special district.

This bill would include a community college district, county board of education, and school district in the definition of "local agency." The bill would also require local agency officials who serve a community college district, county board of education, or school district as of January 1, 2010, to receive *the* ethics training ~~by~~ *required by specified law before* January 1, 2011, and at least every 2 years thereafter, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 53234 of the Government Code is amended to read:

53234. For the purposes of this article, the following terms have the following meanings:

(a) “Legislative body” has the same meaning as specified in Section 54952.

(b) “Local agency” means a city, county, city and county, charter city, charter county, charter city and county, special district, community college district, county board of education, or school district.

(c) “Local agency official” means the following:

(1) Any member of a local agency legislative body or any elected local agency official who receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.

(2) Any employee designated by a local agency governing body to receive the training specified under this article.

(d) “Ethics laws” include, but are not limited to, the following:

(1) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.

(2) Laws relating to claiming perquisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

(3) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.

(4) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.

SEC. 2. Section 53235.1 of the Government Code is amended to read:

1 53235.1. (a) Each local agency official in local agency service
2 as of January 1, 2006, except for officials whose term of office
3 ends before January 9, 2007, shall receive the training required by
4 subdivision (a) of Section 53235 before January 1, 2007.
5 Thereafter, each local agency official shall receive the training
6 required by subdivision (a) of Section 53235 at least once every
7 two years.

8 (b) In the case of a *community college district, county board of*
9 *education, or school district*, each local agency official in local
10 agency service as of January 1, 2010, except for officials whose
11 term of office ends before January 1, 2011, shall receive the
12 training required by subdivision (a) of Section 53235 before
13 January 1, 2011. Thereafter, each local agency official shall receive
14 the training required by subdivision (a) of Section 53235 at least
15 once every two years.

16 (c) Each local agency official who commences service with a
17 local agency on or after January 1, 2006, shall receive the training
18 required by subdivision (a) of Section 53235 no later than one year
19 from the first day of service with the local agency. Thereafter, each
20 local agency official shall receive the training required by
21 subdivision (a) of Section 53235 at least once every two years.

22 (d) A local agency official who serves more than one local
23 agency shall satisfy the requirements of this article once every two
24 years without regard to the number of local agencies with which
25 he or she serves.